

### Remarks

This amendment and the concurrently filed request for continued examination (RCE) are responsive to the Office communication mailed December 22, 2004. This amendment is supplemental to the amendment filed March 4, 2005, and assumes that that earlier amendment has been entered.

Claim 2 has been amended to conform its transition language to the language used in other claims. New claims 5-10 have been added.

New claim 5 is based on claim as 1 currently presented, but recites only the first step of moving the one or more transfer points to the top of the loop process if they can be moved there without a problem occurring. New claim 6, dependent on claim 5, adds the second step of claim 1 of copying code from the top of the loop process to a point that post-dominates the top of the loop process and the one or more transfer points to a location immediately preceding the loop process if the transfer points are located inside the loop process. New claim 7 is similarly based on claim 1 as currently presented, but recites only the second step added by claim 6 to the method of claim 5.

New claims 8-10 are similar to claims 5-7, respectively, but are directed to a program storage device. They are thus related to claims 5-7 in the same manner as claim 4 is to claim 1.

Claims 5-10 are believed to distinguish patentably over the art cited by the Examiner for the reasons urged in the previous amendment, filed March 4, 2005, with respect to claims 1-4. That is to say, patentability was predicated on the features recited in the first two steps of claims 1 and 4, independently of each other, and did not hinge on the last two steps of either of these claims. Thus, with regard to claims 5 and 8, the cited art does not teach moving a transfer point to a loop process to the top of the loop process if it can be moved there without a problem occurring, as recited by applicants in those claims. Similarly, with regard to claims 7 and 10, the cited art does not teach copying code from the top of the loop process to a point that post-dominates the top of the loop process and the transfer point to a location immediately preceding the loop process if the

transfer point is located inside the loop process, as recited by applicants in those claims. Finally, claims 6 and 9 combine the features claimed separately in claims 5, 7, 8 and 10 and thus distinguish over the cited references on the same basis as any of these other claims.

### Conclusion

Entry of this and the preceding amendment and reconsideration of the application as so amended are respectfully requested. It is hoped that upon such consideration, the Examiner will hold all claims allowable and pass the case to issue at an early date. Such action is earnestly solicited.

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